

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

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|------------------------------|---|--------------------------|
| IN THE MATTER OF ENFORCEMENT |) | PDC CASE NO: 03-390 |
| ACTION AGAINST |) | |
| |) | |
| Harry Oestreich |) | Notice of Administrative |
| |) | Charges |
| |) | |
| Respondent. |) | |
| _____ |) | |

IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts, states in part: “(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year...”

RCW 42.17.241 details the content required in each report.

WAC 390-24-010 Forms for Statement of Financial Affairs, states in part: “The official form for statements of financial affairs as required by RCW 42.17.240 is designated ‘F-1’, revised 11/97...”

III.

FACTS

The Respondent, Harry Oestreich, is a Fire Commissioner in King County Fire Protection District 45, 13205 277th Avenue NE, Duvall, Washington 98019. His term of office ends in the year 2005. (**Exhibit 1**) Mr. Oestreich held office during 2002 and was required to file a Statement of Financial Affairs (PDC form F-1) by April 15, 2003. The F-1 report was not timely filed. On May 7, 2003, Mr. Oestreich was sent a letter informing him that the F-1 report due by April 15, 2003 had not been received. The letter stated that he needed to file before May 21, 2003 to avoid the possibility of enforcement. (**Exhibit 2**) On May 23, 2003, Mr. Oestreich was notified of a brief enforcement hearing scheduled for June 12, 2003. The notice gave him the opportunity to file the missing report, stipulate to a violation and pay a \$100 penalty to avoid a brief enforcement hearing. (**Exhibit 3**) On June 5, 2003, Mr. Oestreich was notified that the brief enforcement hearing had been cancelled. He was informed that according to the penalty schedule adopted by the Commission, the number of past violations made his case not eligible for a brief enforcement hearing. (**Exhibit 4**) The June 5, 2003 letter informed Mr. Oestreich that he would be notified of a future enforcement hearing before the full Commission to determine if he has violated the public disclosure law by failing to timely file his F-1 report by April 15, 2003. The F-1 report due April 15, 2003 has not been received.

Past History – In 1999, in Case #00-659, Harry Oestreich was a candidate for Fire Commissioner in King County Fire Protection District 45. On December 6, 1999, Mr. Oestreich stipulated to a violation of RCW 42.17.240 for failing to timely file his F-1 report as a candidate and paid a penalty of \$50 to avoid a brief enforcement hearing.

In 2000, in Case #01-092, Mr. Oestreich was required to file an annual F-1 report by April 17, 2000. A brief enforcement hearing was held October 23, 2000 and Mr. Oestreich was found in violation of RCW 42.17.240 for failing to timely file the F-1 report. He was assessed a \$300 penalty.

In 2001, in Case #01-511, Mr. Oestreich was required to file an annual F-1 report by April 16, 2001. A brief enforcement hearing was held July 30, 2001 and Mr. Oestreich was found in violation of RCW 42.17.240 for failing to timely file the F-1 report. He was assessed a \$250 penalty. All outstanding penalties have been paid.

IV.
CONCLUSION

Staff alleges, based on the facts specified in Section III, that Harry Oestreich has violated RCW 42.17.240 by failing to timely file the Statement of Financial Affairs (PDC form F-1) by April 15, 2003.

RESPECTFULLY SUBMITTED this 22nd day of August, 2003.

Philip E. Stutzman
Director of Compliance

Exhibits

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| Exhibit 1 | Jurisdiction Card |
| Exhibit 2 | May 7, 2003 Warning Letter |
| Exhibit 3 | May 23, 2003 Brief Enforcement Hearing Notice |
| Exhibit 4 | June 5, 2003 Cancellation of Brief Enforcement Hearing |